

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JESSE C. BANNER, JR.,

Plaintiff,

v.

PHILIP MORRIS U.S.A.,

Defendant.

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1:05CV01156

ORDER AND JUDGMENT

OSTEEN, District Judge

For the reasons stated in the memorandum opinion filed this  
same day,

IT IS ORDERED AND ADJUDGED that Defendant's motion to  
dismiss [4] is GRANTED.

This the 30th day of August 2006.

  
United States District Judge